DETAILED ACTION

Specification

Applicant has amended the specification to include only matter in the specification that a person of ordinary skill in the art would naturally expect to see. As such, Applicant has defined the term "instance" as it is defined in WEBSTER'S DICTIONARY and by those of ordinary skill in the art of telecommunications. No new matter has been introduced.

A description as filed is presumed to be adequate, unless or until sufficient evidence or reasoning to the contrary has been presented by the examiner to rebut the presumption. See, e.g., *In re Marzocchi*, 439 F.2d 220, 224, 169 USPQ 367, 370 (CCPA 1971). *The examiner, therefore, must have a reasonable basis to challenge the adequacy of the written description. The examiner has the initial burden of presenting by a preponderance of evidence why a person skilled in the art would not recognize in an applicant's disclosure a description of the invention defined by the claims. Wertheim*, 541 F.2d at 263, 191 USPQ at 97. MPEP § 2163.04 Burden on the Examiner with Regard to the Written Description Requirement.

Upon reply by applicant, *before repeating any rejection under 35 U.S.C. 112, para. 1*, for lack of written description, review the basis for the rejection in view of the record as a whole, including amendments, arguments, and any evidence submitted by applicant. If the whole record now demonstrates that the written description requirement is satisfied, do not repeat the rejection in the next Office action. MPEP § 2163.04

The Examiner has stated that paragraph [0082.1] is also not supported by the original disclosure. The Examiner did not point out with reasonable adequacy the basis to challenge the written description. First, the exact language that is challenged is found in claim 1, which is part of the disclosure. The examiner *has the initial burden of presenting by a preponderance of evidence why a person skilled in the art would not recognize in an applicant's disclosure a description of the invention defined by the claims. Wertheim*, 541 F.2d at 263, 191 USPQ at 97. MPEP § 2163.04. In fact, paragraph [0082.1] is supported all throughout the specification. Support for paragraph [0082.1] is found in at least paragraphs [0035], [0036], [0037], [0041],

[0072], [0077] and [0086]. While, the wording "subset" may or may not be used in the specification, it is inherently implied in the many different configurations available to the collaborative architecture described in Applicant's system. The Examiner has also stated that there is no support for the term "verifying", however throughout the specification, the term authenticating is used. Verifying and authenticating are synonyms for each other, as proved by an examination into any thesauruses or even or the personal PC thesauruses.

Claim Rejections – 35 USC § 112

The Examiner stated that regarding *amended* claims 87-94 are rejected to *again* because it is unclear from Applicant's claim language and the specification that there is no support for "function." Applicant has amended the specification to remove the word function and replace with a defined term for the word "instance," as I am sure the Examiner will reject the claims (as set forth below) again because he cannot understand the word instance. It is now defined and no new matter has been introduced.

The Examiner stated that regarding *amended* claims 95-104 are rejected to because it is unclear from Applicant's claim language and the specification, how "a plurality of services" that are "distributed over the communications network" are "an instance of a conference logging service". Specifically, the Examiner states that it is not clear what "an instance" of "a conference logging service" is or how "a plurality of services" constitute this "instance."

The above limitations have been amended and thus Applicants respectfully believes the rejection should be removed.

Claim Rejections – 35 USC § 103

The Examiner stated that claims 87-104 are rejected under 35 U.S.C. 103(a) as being unoatentable in light of Ludwig et al. (U.S. 6,237,025) (hereinafter "Ludwig") over Yoakum et al. (U.S. 7,139,797).

The Examiner did not include findings of fact regarding the state of the art and the teachings of Ludwig. *The scope and content of the current application must be obtained by a*

thorough review of the specification and claims to understand what the applicant has invented in light of the prior art (Ludwig). See MPEP §§ 2141 and 904. In Applicant's opinion, these findings of fact have not been made. Applicant's invention is flexible and state of the art. Ludwig's invention was designed eleven years ago and while Ludwig may have had some foresight, the invention, as developed by Applicant has many features that are neither present nor contemplated in Ludwig.

The Examiner states that Ludwig teaches all the limitations, except "a presence service" and "a primary service" and "wherein the resources are an instance of the conference logging service that is located via a presence service, wherein the conference logging service removes a pending presence entry of the conference logging service and replaces it with an actual presence entry." However, as stated by the Examiner "Yoakum teaches a method of maintained presence information of users participating in the communication sessions, where a presence system (presence service, primary service) accesses a database (logging service) that is used to store a collection of communication capabilities (presences entries) for various communications devices participating in communications sessions as spoken of on Col. 5, lines 58-65. Yoakum further states how this database (logging service) may be updated (entry replacement) in any fashion and at any frequency. *First and foremost,* Col. 5, line 58-65 state "general or actual communication capabilities of the various communication devices may be provided alone or in combination with state information. Alternatively, the presence system may access devices that support the communication device, such as the switch or a database used to store a collection of communication capabilities for the various devices. The database may be updated in any fashion and at any frequency." This is the only section of Yoakum the Examiner has quoted to support his entire obviousness rejection for claim 1. *There is no definition for switch or database (i.e., does the database belong to the communication system or the presence system?).* According to this passage, the database supports the communication system). Thus, the database for the communication system can be updated and at any frequency…what does that mean? The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in KSR International Co. v. Teleflex Inc., 550 U.S. ___, ___, 82 USPQ2d 1385, 1396 (2007) noted that the analysis

supporting a rejection under 35 U.S.C. 103 should be made *explicit*. The Federal Circuit has

stated that "rejections on obviousness cannot be sustained with mere conclusory statements;

instead, *there must be some articulated reasoning with some rational underpinning to support*

the legal conclusion of obviousness." In re Kahn, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336

(Fed. Cir. 2006). See also KSR, 550 U.S. at ___ , 82 USPQ2d at 1396 (quoting Federal Circuit

statement with approval) (Emphasis added).

However, purely in the interest of expediting the prosecution of the instant invention,

Applicant has amended claim 87, 95 and 98 to include the following limitations:

> providing a plurality of services, including a presence service, an authentication service, a primary service, a feature service, and conference service, to be used in a multimedia conference session, wherein each of the plurality of services is hosted by and independently executable through at least one service endpoint in a communications network;

> enabling a plurality of users to participate in the multimedia conference session, wherein each user participates in the conference session through at least one respective user endpoint or at least one key value pair in the communications network, wherein each of the at least one respective user endpoints or the at least one key value pairs is hosted by and independently executable through at least one service endpoint;

> receiving a request to initiate the multimedia conference session;

> in response to the session initiation request, establishing the multimedia conference session via the steps of:

> (a) identifying respective user endpoints or plurality key value pairs for each of the plurality of users participating in the session;

> (b) identifying and verifying a subset of services selected from the plurality of the services for the conference session and respective service endpoints associated with each of the subset of services in the communications network; and

> (c) defining a message routing mesh comprising all of the user endpoints or plurality key value pairs and service endpoints identified in (a) and (b);

> wherein resources for establishing the multimedia conference are distributed among the plurality of service endpoints, wherein the resources are a ~~function~~ an instance of a conference logging service that is located via a presence service, wherein the conference logging service publishes its presence with the presence service, wherein the presence service removes a pending presence entry of the conference logging service and replaces it with an actual presence entry;

> routing messages between any of the user and service endpoints in the message routing mesh during real-time performance of the conference session;

updating the multimedia conference session with a newly selected service from the plurality of the services; and

in response to the newly selected service, identifying a particular service endpoint or value pairs associated with the newly selected service and including the particular service endpoint into the message routing mesh.

Support for such limitations can be found at least on pages 4 and 5 of U. S. Application No. 2006/0259564. Ludwig does not teach the present claim 1, nor does any of the cited art teach or suggest such limitations. All the limitations in the present disclosure are not taught or suggested by the cited art. As such, Applicant believes the currently amended independent claims, as well as the claims that depend from them, are in condition for allowance and respectfully request they be passed to allowance.

Respectfully submitted,

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